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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF ARIZONA

14 BLACK STAR FARMS, L.L.C., JOHN)
15 NORTON, GARY FRISCH, MICHELLE)
16 FRISCH, DAVID MONHEIT, AND MELISSA)
17 MONHEIT,)

Case No. CV-05-2620-PHX-MHM

18 Plaintiffs,

19 vs.

STIPULATION

20 LEESA BERENS MORRISON, in her official)
21 capacity as Director of the State of Arizona)
22 Department of Liquor Licenses and Control,)

23 Defendant,

24 and

25 ALLIANCE BEVERAGE DISTRIBUTING)
26 COMPANY, LLC,)

27 Intervenor-Defendant.
28

29 Counsel having conferred and having agreed that a short stay of this proceeding
30 would be reasonable and appropriate to await the Arizona Legislature's action concerning
31 pending legislation, which may render this matter (or a substantial portion of it) moot, thus

1 furthering judicial efficiency and conserving the parties' resources, it is hereby stipulated
2 and agreed as follows:

- 3 1. All proceedings, including the filing of the motions and cross-motions
4 described in the Court's January 4, 2006 Order (the "January 4th Order") shall
5 be stayed until May 1, 2006.
6
- 7 2. During the period of this stay, the State Defendant shall submit a monthly
8 status report to the Court with respect to the Legislature's action on the
9 relevant bills regarding the sale and distribution of wine.
10
- 11 3. Following the Arizona Legislature's action in its current session on the
12 pending legislation concerning the sale and distribution of wine and the
13 expiration of the stay provided for herein, Plaintiffs shall have the consent of
14 Defendant and the Intervenor-Defendant to amend the Amended Complaint to
15 address changes in the relevant statutory provisions (if any) affecting the
16 Plaintiffs' claims in the Amended Complaint.
17
- 18 4. Following the Arizona Legislature's action in its current session on the
19 pending legislation concerning the sale and distribution of wine and the
20 expiration of the stay provided for herein, and subsequent to the Plaintiffs'
21 filing of an amended Amended Complaint (if any), counsel for the parties
22 shall agree upon a new briefing schedule for the Rule 12 motions and cross-
23 motions to the extent that there remains any issue as to which the parties wish
24 to make a Rule 12 motion or cross-motion. Such revised briefing schedule
25 shall be subject to the approval of this Court.
26
27
28

1 5. All other provisions of the January 4th Order, including the stay of all
2 discovery, shall remain in effect.

3 Dated this ___ day of January, 2006

4
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20 Leesa Berens Morrison, in her official
capacity as Director of the State of Arizona
Department of Liquor Licenses and Control
21

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

BLACK STAR FARMS, L.L.C., JOHN
NORTON, GARY FRISCH, MICHELLE
FRISCH, DAVID MONHEIT, AND MELISSA
MONHEIT,

Case No. CV-05-2620-PHX-MHM

Plaintiffs,

vs.

ORDER

LEESA BERENS MORRISON, in her official
capacity as Director of the State of Arizona
Department of Liquor Licenses and Control,

Defendant,

and

ALLIANCE BEVERAGE DISTRIBUTING
COMPANY, LLC,

Intervenor-Defendant.

Pursuant to the Order of this Court, dated January 4, 2006, and the stipulation of the parties,

IT IS HEREBY ORDERED AS FOLLOWS:

1. All proceedings, including the filing of the motions and cross-motions described in the Court's January 4, 2006 Order (the "January 4th Order") shall be stayed until May 1, 2006.